

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Elhadji Mbaye, Modou Diop, Tahirou Diakite, and Talla Samb, *on behalf of themselves and others similarly situated in the proposed FLSA Collective Action and in the proposed Class,*

Plaintiffs,

- against -

RCI Hospitality Holdings, Inc., Peregrine Enterprises Inc. (d/b/a Rick's Cabaret New York), RCI 33rd Ventures, Inc. (d/b/a Hoops Cabaret and Sports Bar), 48 West 33rd Street Corp. (d/b/a Hoops Cabaret and Sports Bar), RCI Dining Services (37th Street), Inc. (d/b/a Vivid Cabaret), Eric Langan, and Kes Senevi,

Defendants.

Case No.: 1:23-cv-02967-DEH

**NOTICE OF MOTION
FOR SUMMARY JUDGMENT
PURSUANT TO
FED. R. CIV. P. 56**

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law; Declaration of Jeffrey A. Kimmel dated November 7, 2024; Declaration of Shaun Kevlin, dated November 6, 2024; Defendants' Local Civil Rule 56.1 Statement of Undisputed Facts, and each of the Exhibits submitted therewith, and all other proceedings had herein, defendants RCI Hospitality Holdings Inc., fka Rick's Cabaret International, Inc.; Peregrine Enterprises, Inc., dba Rick's Cabaret New York; RCI 33rd Ventures, Inc.; 48 West 33rd Street Corp.; RCI Dining Services (37th Street), Inc.; Eric Langan; and Kes Senevi (collectively, "Defendants") hereby move this Court, before the Honorable Dale E. Ho, United States District Judge, for an Order: (i) pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Civil Rule 56.1, granting Defendants summary judgment dismissing each and every cause of action asserted by Plaintiffs in this action with prejudice; (ii) dismissing defendant RCI Hospitality Holdings Inc. from this action; and (iii) awarding Defendants such other and further relief as the Court deems just and proper.

Dated: New York, New York
November 7, 2024

Respectfully submitted,

AKERMAN LLP

/s/ Jeffrey A. Kimmel
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